

Newton Highlands Neighborhood Area Council

July 6, 2020

Dear Members of the Land Use Committee,

The Newton Highlands Neighborhood Area Council at its regularly scheduled public meeting on July 1, 2020 discussed community concerns relating to Union Twist, a marijuana retailer that is proposing to operate a store at 1158 Beacon Street. This was following a letter the Area Council addressed to this committee on March 23, 2020 (see attached) and a response letter received from Union Twist's legal representatives on June 1, 2020 (see attached). After discussing the afore mentioned letters and the public hearing held on June 16, 2020, the Area Council voted unanimously to oppose the special permit application. While the petitioner has made some alterations to their petition, the Area Council and neighborhood's concerns regarding the project have not been adequately addressed. These concerns center around the impact on traffic flow, parking, hours of operation, and Cold Spring Park.

Regarding traffic flow: The petitioner has made a single amendment to their parking plan, they have negotiated an easement with the neighboring property such that the driveway will be widened from 19 to 20 ft. This change will not alleviate the majority of the concerns expressed in the Area Council's previous letter, which center around the design and layout of the parking area and its tremendous potential to create backups onto Beacon Street leading to congestion and safety concerns that will adversely affect the neighborhood.

Regarding parking: The Area Council and the neighborhood maintain serious concerns that the amount of parking available on the site is inadequate, especially given the petitioner's statement at the public hearing on June 16 that employees will likely use some of the available spots, and the petitioner's refusal to comply with the city peer reviewer's request to come up with an overflow parking plan. Given the absence of street parking in the area, the Area Council and neighborhood are concerned that customers will choose to park on Beaconwood Road a quiet residential street, in the parking lot for the adjacent office building and apartment complex, or at Cold Spring Park. Without adequate parking the proposal will adversely affect the neighborhood.


Regarding hours of operation: The Area Council and neighborhood have grave concerns that the proposed hours of operation of the petitioner, even with the reduction of 3 hours on Sunday, are not inline with the rest of the neighborhood and will have an adverse affect on the neighborhood and nearby uses. Commercial outlets in Four Corners include businesses that serve the local community: dry cleaners, take-out restaurants, hair

salons, liquor stores, pharmacies, and grocers, most of which close by 8pm and the majority of which are closed on Sunday. Union Twist's proposed hours are particularly concerning because the store will be one of only a few marijuana retailers in Newton, which means that unlike other businesses in Four Corners, the store will draw traffic from well outside the surrounding community.

Regarding Cold Spring Park: While the Area Council appreciates the idea of Union Twists' proposed Good Neighbor Policy, this idea is unenforceable and puts undue pressure on residents to "police" the park. While there are no rules stating that a marijuana retailer cannot be located within 300 feet of a public park, the Area Council requests that the proximity of the proposed site to one of Newton's most popular locations for recreational sports and activities be given serious consideration.

Given these concerns, the Area Council urges the City Council to deny Union Twist the special permit proposed.

Sincerely,



Nathaniel Lichten, President

On behalf of the Newton Highlands Neighborhood Area Council

^{aT}ATTACHMENTS



Newton Highlands Neighborhood Area Council

March 23, 2020

Dear Members of the Land Use Committee,

The Newton Highlands Neighborhood Area Council at its regularly scheduled public meeting on February 6, 2020 discussed community concerns relating to Union Twist, a marijuana retailer that is proposing to operate a store at 1158 Beacon Street. This was one of three public meetings that the Area Council held regarding the proposal along with meetings in May 2019 and January 2020. After hearing from the community members who were present at the meetings and receiving emails on the topic, the vast majority opposed to the proposal, the Area Council voted unanimously to oppose the special permit application as it is currently proposed. The Area Council and neighborhood's concerns and opposition to the project center around the impact on traffic flow, parking, and Cold Spring Park.

The stretch of Beacon Street around the proposed store location has no street parking, has only one lane in each direction, and is already beyond capacity during peak traffic periods. The proposal's parking lot and driveway design has tremendous potential to create backups onto Beacon Street leading to congestion and safety concerns. The driveway reduces down to less than 19 ft in width, which is inadequate for two cars to easily pass. As vehicles in the driveway are trying to narrowly squeeze by each other, or as one car is having to back up to let another pass, customers trying to enter the driveway could be forced to wait on Beacon Street, disrupting traffic and causing congestion. The parking lot design also has only a very short queue area for vehicles attempting to exit onto Beacon Street and if this queue area is exceeded there could be impacts on the narrow driveway to the parking lot. The exit queue could also cut off access to the parking at the front of the building for the Chinese food take-out business causing more cars to back up onto Beacon Street. Our concern is heightened because the proposed store will have more points-of-sale and will therefore be able to accommodate more customers per hour than any other marijuana retailer in Newton and the application has not proposed that the store will operate by appointment only. Given the already inadequate roadway capacity, a backup onto Beacon Street of people waiting to get into the site will seriously disrupt the traffic on Beacon Street and severely impact the ability of neighbors to exit their driveways. The issues relating to traffic flow both within the site and on Beacon Street mean that the proposed store will adversely affect the neighborhood, that access to the site is not appropriate, that the lot design does not provide convenient and safe access and egress to the site, and that there will be a nuisance and serious hazard to vehicles and pedestrians, including school children walking to the nearby Zervas Elementary School.

The Area Council and the neighborhood also have serious concerns that the petitioner's parking plan is inadequate given the large number of points of sale, the lack of an appointment only condition, the limited on-site parking, the lack of an employee parking plan, the lack of an overflow parking plan, the absence of on-street parking on Beacon Street, and the existence of an additional store in the building. We are concerned that this will lead to people parking on Beaconwood Road a quiet residential street, in the parking lot for the adjacent office building and apartment complex (a concern shared by the owner of those two buildings), or Cold Spring Park. Without adequate parking the proposal will adversely affect the neighborhood.

The Area Council and neighbors are also concerned that customers of the store will go to Cold Spring Park, where they might already have parked, and will use the products in the park before heading home. Cold Spring Park is a large park at 65 acres, and it will be very difficult for the police to monitor activity there caused by the proposed store. The use of marijuana in the park will adversely affect not only the neighbors who regularly use the park, but also the rest of the Newton community who use the park for recreation activities including walking, jogging, soccer, tennis, other sports including public school sponsored teams, and enjoying nature.

Finally, the hours of operation of the proposed store are not in line with the rest of the neighborhood, which includes residential buildings, office buildings, and stores the vast majority of which are closed on Sundays. Most of the stores also close by 8 pm reducing the impact on the residential buildings nearby, including immediately behind the store building, in the evening. This will create an adverse affect on the neighborhood and nearby uses.

Given these concerns, the Area Council urges the City Council to deny Union Twist the special permit as proposed. The Area Council and some neighbors doubt whether any proposal, given the constraints of the site, would meet the special permit criteria necessary for locating a marijuana retailer at the site, but would consider whether an alternative proposed by the petitioner addresses our concerns before taking a position on the alternative proposal. Should City Council decide to grant the special permit, the Area Council requests that the special permit include the following conditions: that the store capacity will be limited in size (either by limiting the number of employees per hour, the number of points of sale, or the number of customers per hour), the store will operate with a by-appointment-only system, the site design and parking plan will not induce backups onto Beacon Street or overflow parking in Cold Spring Park and the rest of the neighborhood, and the store will have more limited hours of operation.

Sincerely,



Nathaniel Lichtin, President

On behalf of the Newton Highlands Neighborhood Area Council

June 1, 2020

By Email: nlichtin@newtonma.gov

Nathaniel Lichtin
President
Newton Highlands Neighborhood Area Council (the "Area Council")

RE: 1158 Beacon Street (the "Property")

Dear Nathaniel:

On behalf of Union Twist, Inc. (the "Petitioner") I hope you and the broader Newton Highlands community are well during these uncertain times. I am writing in response to the letter dated March 23, 2020, a copy of which is attached hereto as Exhibit A (the "Letter"), to the Land Use Committee (the "Committee"), and to inform you of our upcoming hearing before the Committee on June 16, 2020 at 7PM.

We appreciate the time that the Area Council took to consider our application and respond to the proposal. Indeed, as referenced in the Letter, the Area Council held multiple meetings on this proposal alone.

We also appreciate the willingness of the Area Council to consider an alternative to be proposed by the Petitioner in order to address the concerns that you have raised.

The Letter raises several concerns which can be grouped as follows: 1) the constraints of the site on account of the driveway width, 2) the number of points of sale and the lack of appointment only, 3) concerns relating to the illegal consumption of cannabis in Cold Spring Park and 4) the hours of operation. To that end, I wish to respond to those concerns in kind:

1) The constraints of the site on account of the driveway width

By far, the biggest concern raised in the Letter, relates to the narrowness of the driveway, which, as mentioned, spans only 19 feet in some locations, less than the required 20 feet pursuant to the City of Newton Zoning Ordinance. As a result, the Letter identifies additional concerns that might be caused by this condition, such as traffic flow impairment, backups onto Beacon Street, pedestrian concerns, and related issues.

We share this concern, and as such, we have entered into an agreement with our abutter to allow for an easement on their property. As a result of this easement, we are now able to provide a 20 foot drive-aisle to the site in perpetuity. Attached hereto as Exhibit B please find a copy of the site plan that illustrates this improved condition.

Prince Lobel Tye LLP
One International Place
Suite 3700
Boston, MA 02110
TEL: 617 456 8000
FAX: 617 456 8100

2) The number of points of sale and the lack of appointment only

The Letter also raises concerns as to the number of points of sale, which are nine (9), and the fact that the petitioner failed to include a condition within its application owing to appointment only. As a result, the Letter identified additional concerns that might be caused by this condition, such as a lack of adequate parking, and related issues.

We share this concern, and as such, we are reducing the number of points of sale from nine (9) to six (6), with the plan to use two (2) of the points of sale as express checkout stations. In addition, we are asking the Committee to place as a condition on our Special Permit an appointment only proviso, consistent with that of other approved operators.

3) Concerns relating to the illegal consumption of cannabis in Cold Spring Park

The Letter also raises concerns that due to the proximity of the Property to nearby Cold Spring Park, customers may use the products obtained from our dispensary in the park.

We share this concern, and as such, we are instituting a good-neighbor policy for all our customers that requires them to agree to not publically consume cannabis, which is illegal in Massachusetts. In the event that we discover that a customer violates this agreement, they will no longer have access to our facility. We stand ready to work with the Newton Police Department to enforce this commitment.

4) The hours of operation

The Letter also raises concerns as to the hours that were proposed, which is 9AM to 9PM, seven days a week, particularly referencing Sundays.

We share this concern, and as such, we are asking the Committee to place as a condition on our Special Permit a proviso that requires the operation to be closed on Sunday no later than 6PM.

We believe that these measures are in direct response to the points raised in the Letter, and that they will adequately address any and all concerns. We would be happy to meet in a virtual format to present these concepts in greater detail. We are also copying by U.S. Mail this communication to area residents. We welcome any further dialogue, questions or concerns and look forward to presenting before the Committee on June 16, 2020.

Very truly yours,



Michael P. Ross

mross@princelobel.com

cc: City Councilor Rick Lipof
Land Use Committee Members
City Councilors Noel and Danberg
Clerk Nadia Khan
Michael Gleba, Planning and Development

EXHIBIT A

Letter from the Area Council dated March 23, 2020



Newton Highlands Neighborhood Area Council

March 23, 2020

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The Area Council and neighbors are also concerned that customers of the store will go to Cold Spring Park, where they might already have parked, and will use the products in the park before heading home. Cold Spring Park is a large park at 65 acres, and it will be very difficult for the police to monitor activity there caused by the proposed store. The use of marijuana in the park will adversely affect not only the neighbors who regularly use the park, but also the rest of the Newton community who use the park for recreation activities including walking, jogging, soccer, tennis, other sports including public school sponsored teams, and enjoying nature.

Finally, the hours of operation of the proposed store are not in line with the rest of the neighborhood, which includes residential buildings, office buildings, and stores the vast majority of which are closed on Sundays. Most of the stores also close by 8 pm reducing the impact on the residential buildings nearby, including immediately behind the store building, in the evening. This will create an adverse affect on the neighborhood and nearby uses.

Given these concerns, the Area Council urges the City Council to deny Union Twist the special permit as proposed. The Area Council and some neighbors doubt whether any proposal, given the constraints of the site, would meet the special permit criteria necessary for locating a marijuana retailer at the site, but would consider whether an alternative proposed by the petitioner addresses our concerns before taking a position on the alternative proposal. Should City Council decide to grant the special permit, the Area Council requests that the special permit include the following conditions: that the store capacity will be limited in size (either by limiting the number of employees per hour, the number of points of sale, or the number of customers per hour), the store will operate with a by-appointment-only system, the site design and parking plan will not induce backups onto Beacon Street or overflow parking in Cold Spring Park and the rest of the neighborhood, and the store will have more limited hours of operation.

Sincerely,



Nathaniel Lichtin, President

On behalf of the Newton Highlands Neighborhood Area Council

EXHIBIT B
Updated Site Plan

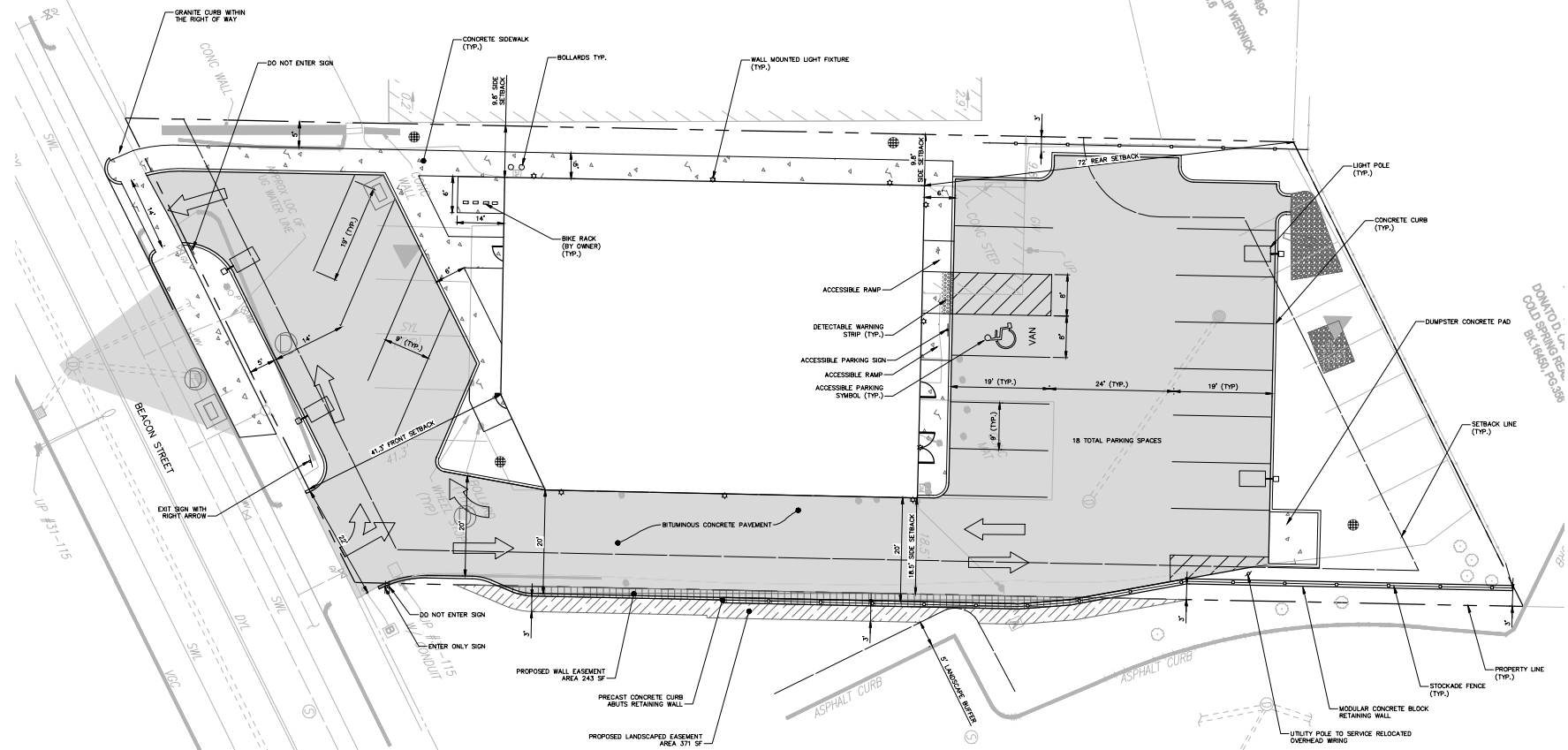
SITE PLAN NOTES

1. THE SITE IS IN THE BU2 DISTRICT OF THE CITY OF NEWTON.
2. THE PURPOSE OF THIS PLAN IS TO SHOW THE SITE FOR THE CHANGE IN USE TO A CANNABIS RETAIL STORE.
3. SITE FEATURES FINAL LOCATIONS MAY DIFFER FROM THIS PLAN.

04/22, LOT 48
LANDS OF
A REAR T.L.O.
L32838, P06385

P-PA BLOCK 22, LOT 400
THE LANDS OF
A GREENSTEIN, PHILIP WERNICK
BK 168112, P0618

DONALD D. COLE
COLD SPRING ROAD
BK 16660, P06388



ZONING TABLE
BU2 DISTRICT - 2 STORIES OR LESS

DIMENSIONAL STANDARD	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	10,000 SF	20,000 SF	20,443 SF
FRONT SETBACK	10 FT ¹	41.3 FT	41.30 FT
SIDE SETBACK	7.6 FT ²	9.8 FT	9.8 FT
REAR SETBACK	15 FT ³	52 FT	72 FT
MAX. BUILDING HEIGHT	24 FT	13 FT	13 FT
FLOOR AREA RATIO	1.00	0.26	0.24

PARKING REQUIREMENTS

USE	STANDARD	REQUIRED	EXISTING	PROPOSED
RETAIL STORE 1	1 SPACE/300SF + 1 SPACE/3 EMPLOYEES	12	10	16
RETAIL STORE 2	1 SPACE/3 SEATS + 1 SPACE/3 EMPLOYEES	2	2	2
		TOTAL PARKING	12	18

1. PER SECTION 1.5.3(A) OF THE TOWN OF NEWTON ZONING BYLAWS, NO BUILDING NEEDS TO BE SET BACK MORE THAN THE AVERAGE OF THE SETBACKS OF THE BUILDINGS ON THE NEAREST LOT ON EITHER SIDE. A VACANT LOT OR A LOT WHERE BUILDING IS SET BACK MORE THAN 10 FEET IS COUNTED AS THOUGH OCCUPIED BY A BUILDING SET BACK 10 FEET. ABUTTING PROPERTIES FRONT SETBACKS WERE ESTIMATED TO OBTAIN AVERAGE. $(12.8+10)/2 = 11.4$ FT
2. 1/2 BUILDING HEIGHT OR ABUTTING SETBACK (BUILDING HEIGHT 13 FT) (13/2 = 6.5 FT), GREATER OR 1/2 A BUILDING HEIGHT OR 15 FT WHEN ABUTTING A RESIDENTIAL DISTRICT.
3. GREATER 1/2 BUILDING HEIGHT (6-5) OR 15 FEET WHEN ABUTTING A RESIDENTIAL LOT OR PUBLIC USE, 0 FT WHEN NOT ABUTTING A RESIDENTIAL OR PUBLIC USE DISTRICT.

1. A MAXIMUM OF 12 EMPLOYEES AT ANY GIVEN TIME HAVE BEEN ASSUMED FOR THE PARKING CALCULATION AND 2,429 SF OF RETAIL SPACE.
2. RESTAURANT GROSS AREA = 2,341, a MAXIMUM OF 3 EMPLOYEES AND 3 SEATS AT ANY GIVEN TIME HAVE BEEN ASSUMED.

NOT FOR CONSTRUCTION

File Path: J:\DWG\2019\04\02\Plan\20190402\BU2_SitePlan.dwg Layer: CS-101 Plot Date: Tue, May 19, 2020 - 8:09 AM User: hndzxc
 PLOT VIEW: Please DWG TO PDF P33 CTB File: FO.STB LAYER STATE:

NO.	DATE	DESCRIPTION	BY	CHK
1	5/6/2020	SITE PLAN APPROVAL SUBMISSION		
2	07/23/2020	FINAL RESUBMISSION		
3	08/11/2020	FINAL RESUBMISSION		

SCALE: HORIZ. 1" = 10' VERT. 1" = 4'

DATE: 5/19/2020

SCALE: GRAPHIC SCALE

FUSS & O'NEILL
 80 MARBLE STREET SUITE 302
 QUINCY, MA 01971
 www.fuss.com

UNION TWIST, INC.
 SITE PLAN
 1158 BEACON STREET
 MASSACHUSETTS
 NEWTON

PROJ. No.: 20190241.A30
 DATE: 10/25/2019

CS-101